

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION et al.,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC

and

CORTEVA, INC.,

Defendants.

CASE NO. 1:22-CV-828-TDS-JEP

**MEMORANDUM IN SUPPORT OF JOINT CONSENT MOTION TO
EXTEND THE WORD LIMIT FOR MEMORANDA OF LAW IN
SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS AND
PLAINTIFFS' RESPONSES IN OPPOSITION**

Defendants Syngenta Crop Protection AG, Syngenta Corporation, Syngenta Crop Protection, LLC (collectively, "Syngenta") and Corteva, Inc. ("Corteva") (collectively, "Defendants") and Plaintiffs Federal Trade Commission and the states of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Tennessee, Texas, Washington and Wisconsin (collectively, "Plaintiffs") (together with Defendants, "the Moving Parties") seek an increase in the word limit that would otherwise apply to Defendants' Memoranda in Support

of their Motions to Dismiss and Plaintiffs' Memoranda in Opposition under Local Rule 7.6(d)(1).

The Amended Complaint in this action is 108 pages long and asserts 16 separate causes of action against Defendants. In order to fully inform the Court of the bases for dismissal asserted by Defendants, Defendants ask that the Court grant leave for the Memoranda in Support of their Motions to Dismiss to exceed the 6,250-word limit under Local Rule 7.3(d). Defendants propose that each of Corteva's and Syngenta's Memoranda in Support be permitted to contain up to 8,000 words, as calculated pursuant to Local Rule 7.3(d). Likewise, in order to respond in full to the arguments raised in Defendants' Motions, Plaintiffs ask that the Court grant leave for their Memorandum or Memoranda in Opposition to Defendants' Motions to Dismiss to exceed the 6,250-word limit under Local Rule 7.3(d). Plaintiffs propose that their Memorandum or Memoranda in Opposition to the two Motions to Dismiss be permitted to contain a total of 16,000 words, as calculated pursuant to Local Rule 7.3(d).

NATURE OF MATTER AND RELEVANT PROCEDURAL FACTS

On December 23, 2022, Plaintiffs filed an Amended Complaint in this action. (ECF No. 79.) Plaintiffs assert claims under Section 5 of the FTC Act, Section 3 of the Clayton Act, Sections 1 and 2 of the Sherman Act and numerous state antitrust and consumer protection laws.

Syngenta and Corteva intend to each move to dismiss the Amended Complaint for failure to state a claim under Rule 12(b)(6) of the Federal Rules of

Civil Procedure. Plaintiffs intend to file one or more Memoranda in Opposition to Defendants' Motions to Dismiss.

ARGUMENT

Plaintiffs assert 16 separate causes of action against Defendants in an Amended Complaint containing 276 numbered allegations spanning 108 pages. An extension of the 6,250-word limit is appropriate to facilitate a clear and complete explanation of each of Defendants' asserted bases for dismissal. Likewise, a corresponding extension is appropriate to enable Plaintiffs to respond in full to the arguments raised in Defendants' Motions to Dismiss.

Local Rule 7.3(d)'s recognition that the Court can order an increase in the word limit reflects this Court's inherent power to do so. *See, e.g., United States v. Moussaoui*, 483 F.3d 220, 236 (4th Cir. 2007); *United States ex rel. Lindsey v. Trend Cmty. Mental Health Servs.*, 88 F. Supp. 2d 475, 477 (W.D.N.C. 1999). Thus, judges in this district have granted leave to file briefs in excess of the word limits when appropriate. *See, e.g., Rochelle v. United States*, No. 1:12CV1121, 2016 WL 1241329, at *17 (M.D.N.C. Mar. 28, 2016); *Estate of Sipes v. United States*, No. 1:14-cv-466, 2016 WL 109970, at *8 (M.D.N.C. Jan. 8, 2016).

The circumstances here render a word-limit increase appropriate. Defendants' Motions to Dismiss the Amended Complaint argue that there are several grounds for dismissal. While working diligently to be concise in presenting their arguments to the Court, clearly organizing and explicating those

grounds requires Defendants to exceed the 6,250-word limit. Likewise, responding in full to the arguments raised in Defendants' Motions requires Plaintiffs to develop their analysis in more depth than permitted under the current word limit. This Court previously recognized the propriety of an extension of the word limit with respect to the briefing on these motions, having granted Syngenta's motion for an extension of the word limit in its motion to dismiss the original complaint.

The Parties have conferred and all Parties consent to the respective word limit extensions sought by this Joint Motion.

CONCLUSION

For these reasons, the Moving Parties respectfully request that the Court increase the word limit for Defendants' Memoranda in Support of their Motions to Dismiss and Plaintiffs' Memorandum or Memoranda in Opposition, and that the Court allow and direct the filing of Defendants' Memoranda containing up to 8,000 words each and Plaintiffs' Memorandum or Memoranda containing a total of 16,000 words.

Date: January 13, 2023

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CERTIFICATE OF WORD COUNT

I hereby certify that the foregoing document contains fewer than 6,250 words,
excluding those portions exempted by Local Rule 7.3(d).

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